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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,008	04/26/2001	Masahiko Yamanami	14573	8408
23389	7590	12/08/2005	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			DI GRAZIO, JEANNE A	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

cf. 4 2

<b>Office Action Summary</b>	<b>Application No.</b> 09/843,008	<b>Applicant(s)</b> YAMANAMI, MASAHIKO	
	<b>Examiner</b> Jeanne A. Di Grazio	<b>Art Unit</b> 2871	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on July & Sept. 2005 (RCE).

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 2-5 and 7-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 2-5 and 7-10 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 26 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All    b) ☐ Some \* c) ☐ None of:

- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claims***

Claims 2-5 and 7-10 are pending per Supplemental Amendment dated July 19, 2005 and Request for Continued Examination dated September 16, 2005.

Claims 1 and 6 have previously been cancelled.

### ***Priority***

Priority to Japanese Patent Application No. 125460/2000 (April 26, 2000) is claimed.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 19, 2005 has been entered.

*Claim Objections*

Claims 2 and 7 are objected to because of the following informalities:

As to claims 2 and 7, upon careful review of the claim language, the Examiner finds no antecedent basis for “up-and-down direction panel.”

Applicant has claimed a display panel, panel-mounting case and panel-edge cover. There is no mention of an up-and-down direction panel.

Appropriate correction is required.

Claims 2 and 7 are also objected to because of the following informalities:

As to claims 2 and 7, upon careful review of the claim language, the Examiner finds no antecedent basis for “common display panel housing.”

Appropriate correction is required.

Thus, claims 2 and 7 are objected to as noted.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent 5,568,357 (to Kochis et al.).

As to claim 7 (amended), Kochis Figure 1 shows the following elements: an enclosure (28)(= a predetermined panel-mounting case) for inserting said display panel (13) therein, an enclosure (26)(= a predetermined panel-edge cover) for covering edge portions of said display panel (13), at least one positioning means (32)(= at least one first spacer) inserted between a back face of said display panel (13) and an inner main-face of said enclosure (28)(= panel-mounting case) such that said display panel (13) is placed in said enclosure (28)(= predetermined panel-mounting case) through at least one positioning means (32)(= at least one first spacer), at least two stanchions (30)(= at least two holding members) disposed at different positions from each other and fastened to said inner main-face of said enclosure(28)(= panel-mounting case) with which said display panel (13) is non-movably held (Column 4, Lines 20-35)(discussing Figure 1 and stating “so as to prevent dislocation of the frame unit by drop shock forces incident upon the enclosure from any direction”) in said enclosure (28)(= panel-mounting case), at least one projection / damping cap 16 and 18)(= at least one second spacer) being provided between at least one of said two stanchions (30)(= at least two holding members) and a lower outer side face

Art Unit: 2871

(12) of said display panel (13) for positioning and non-movably holding said display panel (13) along its up-and-down direction panel (this is a display support for portable electronic devices and portable electronic equipment) wherein edge portions of said display panel (12, 13) are covered in said enclosure (28)(= panel-mounting case) with said enclosure (26)(= predetermined panel edge cover) and whereby said display panel (13) is mounted in said predetermined common display panel housing (26 and 28).

Thus, claim 7 is rejected.

As to claim 8, the various kinds of display panels are different from each other shape, thickness, picture quality and display screen size because the Kochis invention applies to devices ranging from hand held video games to personal notebook computers (Column 1, Lines 1-25).

Thus, claim 8 is rejected.

As to claim 9, at least the one positioning means (32)(= at least one first spacer) and at least one projection / damping cap (16, 18)(= at least one second spacer are used in combination in accordance with each of said various kinds of display panels).

Thus, claim 9 is rejected.

As to claim 10, wherein said at least two stanchions (30)(= at least two holding members) are fixed to said enclosure (28)(= panel-mounting case) by screw-fixing or fitting (See Figure 1).

Thus, claim 10 is rejected.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 5,568,357 (to Kochis et al.).

As to claims 2-5, the method of mounting a display panel would have been obvious in view of the structure as taught and disclosed by Kochis Figure 1 for preventing shock to portable electronic devices.

Thus, claims 2-5 are rejected.

***Response to Arguments***

Applicant's arguments with respect to said claims have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2871

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanne A. Di Grazio whose telephone number is (571)272-2289.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeanne Andrea Di Grazio  
Patent Examiner  
Art Unit 2871

JDG

  
ANDREW SCHECHTER  
PRIMARY EXAMINER